APPLICATION OF THE LOFTS AT BLACK BIRCH LLC FOR SITE PLAN APPROVAL FOR 20 RENTAL APARTMENTS IN THE FORMER BANNER LODGE COMMUNITY CENTER AT 1 BANNER ROAD, EAST HADDAM, CT, "THE LOFTS AT BLACK BIRCH"

Applicant's First Set of Supplemental Materials
July 23, 2021



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2. Response to Comments from James Ventres, July 2021, prepared by WMC Consulting Engineers

3. Letter from Attorney William Ward, July 2021, regarding condominium structure of Banner Estates

SUBMITTED SEPARATELY

Revised Site Layout Plan and Site Grading, Drainage & Utility Plan (2 Sheets) for "The Lofts At Black Birch Country Club, Community Center Redevelopment," prepared by WMC Consulting Engineers (5 full-size and 15 copies reduced to 11x17); Revised Architectural Plans (4 Sheets) for "The Lofts At Black Birch, Community Center Redevelopment," prepared by Hendren Associates (5 full size and 15 copies reduced to 11x17).

Dropbox link with electronic version of all application materials.

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MEMORANDUM

TO: Town of East Haddam Planning & Zoning Commission
James Ventres, Land Use Administrator / Zoning Enforcement

FROM: Hinckley, Allen & Snyder LLP

DATE: July 22, 2021

RE: The Lofts At Black Birch: Zoning Application Update and Proposed Conditions of Approval (App. No. 21-10)

This package is intended to update the Commission on several aspects of the site plan application submitted by The Lofts At Black Birch, LLC ("The Lofts") on June 24, 2021. Narrative responses are stated below, and supplemented with materials, as indicated.

1. Responses to Mr. Ventres' July 1, 2021 Comments. The Lofts offers the following responses to Mr. Ventres' July 1, 2021 comments:

> Comment 1. There is no discussion about maintenance plan for the main access road(s) and catch basins. The drainage system catch basins are not functioning since the pavement does not come up to the basin surface. What was the plan for that? The drainage calculations assume the road drainage is being collected by the catch basins.
>
> *Response: See Stormwater Management System Maintenance Program at page 6 of June 20, 2021 Storm Drainage Analysis. In addition, the applicant has proposed a condition of zoning approval below, further ensuring the proper completion and ongoing maintenance of the access road and drainage improvements proposed for the community.*
>
> Comment 2. While the parking covers the residents, there always seems to be a need for visitors parking. The area to the east of the tennis courts has a gravel base that has grassed in. It was going to be part of the function hall's parking. There is even a catch basin installed in the middle of the field. A simple road cut would allow overflow parking on this grass / gravel area.
>
> *Response: While the applicant originally proposed use of the lot to the west of the southerly parking lot for additional parking, if needed, further review of the site plan shows that ample visitors' parking may be provided directly within the two parking lots proposed for the community. Accordingly, of the 34 parking spaces presently proposed for the community, four will be appropriately signed and designated as visitors' parking. Should additional visitors' parking be required at some future time, an additional eight parking spaces may be incorporated along the northerly portion of the proposed lot, located directly to the east of the Community Center building. Those eight reserve parking spaces are shown on the revised site plan submitted herewith. The Commission*

may require the development of those parking spaces as a condition of zoning approval, should the need for additional parking arise in the future.

The remaining 30 parking spaces, which equates to 1.5 parking spaces for each of the 20 proposed apartment homes, will be reserved for residents of the proposed community. In the applicant's experience, 1.5 parking spaces per one-bedroom unit is more than sufficient. Indeed, Public Act 21-29, which recently was signed into law by Governor Lamont provides that, as of October 1, 2020, municipal zoning regulations may not require more than <u>one</u> parking space per efficiency or one bedroom unit. This new statutory provision was based upon empirical evidence on actual parking usage in multifamily communities throughout the country. See also Tab 2.

Comment 3. Septic system proposal. A. The plans call for a single unit grinder pump. With twenty units it needs to be a duplex unit so if one goes down the other is in operation. The units should also be wired so if it fails it will dial out to a repair service. B. The agreement with the Water Pollution Control Authority calls for the deposit of $500 per unit into a reserve fund prior to issuance of a Certificate of Occupancy. I didn't want that to be a surprise.

Response: See Tab 2.

Comment 4. The plans call for the demolition of the bathrooms and showers that service the pool and replaces them with a smaller units that do not have a shower that is required. Please review the CT DPH Health Code 19-13-B33B as to what is required.

Response: The architectural plans submitted herewith have been revised to include outdoor showers for the pool located to the west of the Community Center building.

2. <u>Banner Estates Association</u>. As noted in the applicants' June 24, 2021 submittal letter, the pending lawsuits between Banner Lodge Enterprises and the Banner Estates homeowners' association, and the legal structure of the condominium owners' association, are irrelevant to this site plan application.

However, for avoidance of all doubt, the applicants have included a letter at Tab 3 of this package, prepared by transactional counsel for Banner Lodge Enterprises LLC and The Lofts, Attorney William Ward, explaining why the current structure of the condominium documents for the Banner Estates Association does not prevent or otherwise impact the development of the former Community Center building. As noted therein, the Community Center building and surrounding area constitutes a separate part of the Association, which is independently governed from the two other parts of the Association, comprised of the golf course and existing residential units on the subject property. Further, the development rights for the community center area are currently, and always have been, reserved in The Lofts at Black Birch LLC and its predecessors.

3. <u>July 8, 2021 Comments By Nathan L. Jacobson & Associates, Inc.; Request for Continuance</u>. Due to a misunderstanding, the applicant and our office did not become aware of the July 8, 2021 preliminary peer review comments by Brian C. Curtis, P.E., of Nathan L.

Jacobson & Associates, Inc., until July 20. Accordingly, at the July 27, 2021 Commission meeting, the applicant will be requesting that the Commission continue its review of the applicant's site plan application to its September 14, 2021 meeting. Written responses to Mr. Curtis' comments will be provided to the Commission in advance of that meeting.

Proposed Conditions of Approval

1. The applicant shall complete and maintain all improvements proposed for the subject property, including access road, parking, and drainage improvements, in accordance with the plans entitled "The Lofts At Black Birch Country Club, Community Center Redevelopment" and the Storm Drainage Analysis, prepared by WMC Consulting Engineers, as revised through the date of the Commission's approval.

2. Should additional parking for the proposed community be required at some future time, the applicant shall, upon receipt of written notice from the East Haddam Planning and Zoning Commission, construct the eight reserve parking spaces depicted on the Site Layout Plan, prepared by WMC Consulting Engineers, as revised through the date of the Commission's approval.

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WMC
CONSULTING ENGINEERS

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July 22, 2021

Mr. James Ventres
Land Use Coordinator
Town of East Haddam
7 Main Street – P.O. Box – K
East Haddam, Connecticut 06423

Re: Lofts at Black Birch Country Club – Community Center Redevelopment
WMC Reference No.: 07056.30

Dear Mr. Ventres:

In regards to the above referenced project, we offer the following responses to your comments transmitted via email dated July 1, 2021 in the order of which they were received:

1. *There is no discussion about maintenance plan for the main access road(s) and catch basins. The drainage system catch basins are not functioning since the pavement does not come up to the basin surface. What was the plan for that? The drainage calculations assume the road drainage is being collected by the catch basins.*
    a. Response: The Storm Drainage Analysis (dated June 20, 2021) provides a Stormwater Management System Maintenance Program, found on Sheet 6. The final wearing course on the surrounding roadways will be paved and can be made a condition of approval as part of this application.

2. *While the parking covers the residents, there always seems to be a need for visitors parking. The area to the east of the tennis courts has a gravel base that has grassed in. It was going to be part of the function hall's parking. There is even a catch basin installed in the middle of the field. A simple road cut would allow overflow parking on this grass / gravel area.*
    a. Response: There will be (4) four identified visitor parking spaces included within the 34 striped spaces as part of this application. In addition, we have identified a hatched area on the plans in which 8 additional visitor parking spaces can be constructed at the main parking lot east of the building in the event future demand warrants such spaces. *See* revised Site Layout Plan submitted herewith.

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CONSULTING ENGINEERS

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3. *Septic system proposal.*

   A. *The plans call for a single unit grinder pump. With twenty units it needs to be a duplex unit so if one goes down the other is in operation. The units should also be wired so if it fails it will dial out to a repair service.*
      a. Response: The plans have been updated to specify a wired duplex grinder pump, as requested. *See* revised Site Grading, Drainage & Utility Plan submitted herewith.

   B. *The agreement with the Water Pollution Control Authority calls for the deposit of $500 per unit into a reserve fund prior to issuance of a Certificate of Occupancy. I didn't want that to be a surprise.*
      b. Response: Comment noted.

4. *The plans call for the demolition of the bathrooms and showers that service the pool and replaces them with a smaller units that do not have a shower that is required. Please review the CT DPH Health Code 19-13-B33B as to what is required.*
   a. Response: Please refer to updated architectural drawings submitted by Hendren Associates.

We trust that these responses address individual concerns, however, should you have any further questions please contact us at your earliest convenience.

Sincerely,
WENGELL, McDONNELL & COSTELLO, INC.

Robert E. Barneschi Jr.
Project Engineer

WENGELL, McDONNELL & COSTELLO, INC. ● AN EQUAL OPPORTUNITY EMPLOYER

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July 22, 2021

SENT VIA FIRST CLASS MAIL
Mr. Crary H. Brownell, Chair,
and Commission Members
Planning and Zoning Commission
Town of East Haddam
Town Hall, Land Use Office
1 Plains Road
Moodus, CT 06469

Re: Banner Lodge Enterprises Zoning Application

Dear Members of the Commission:

I have represented the developer of Banner Estates Association since its inception and jointly created the condominium documents with Robinson & Cole. I also represent The Lofts at Black Birch LLC.

The vision for this development, which is incorporated into the condominium documents, was to create separate councils as they were developed. Each council is responsible solely for all matters within their council area. No other council area can affect the operations of a different council. The only involvement with each other is a master executive board, with representatives from each council and the Golf Unit, charged with maintaining anything shared by the councils such as the roads.

Currently there are three parts to Banner Estates, which include two independent "councils" and the Golf Course as a separate Unit. One council includes all residential units built and sold to date. The second council contains only the community center building and surrounding area, which is the subject of the present zoning application seeking site plan approval for a multifamily residential community, pursuant to General Statutes § 8-30g. The third part is the Golf Course, which is a totally separate and independent Unit, and operates independently from both of the two established councils. Future development of the property will require the creation of additional council(s), each wholly independent from the others.

Based on the above structure, the community center area that is the subject of the present zoning application is separate and distinct from the other parts that comprise Banner Estates. Moreover, the development rights for the community center area are currently, and always have been, reserved in The Lofts at Black Birch LLC and its predecessors.

If you have any further questions concerning the governance structure, or verification of the independence of each council and inability to affect any actions taken within the respective councils, please do not hesitate to contact me.

Very truly yours,

William W. Ward

WWW/ljd
Cc: The Lofts at Black Birch, LLC
Timothy Hollister, Esq.
Andrea Gomes, Esq.